

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00598-CJN**

A.B. v. U.S. DEPARTMENT OF JUSTICE
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 03/04/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**A. B.**

represented by **Yakov Paul Wiegmann**
RILEY SAFER HOLMES & CANCELILA
456 Montgomery Street
16th Floor
San Francisco, CA 94104
(415) 275-8550
Email: ywiegmann@rshc-law.com
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE
an agency of the Department of
Homeland Security

represented by **John Cuong Truong**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2524
Fax: (202) 252-2599
Email: john.truong@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/06/2019	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5985490) filed by A. B.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Exhibit Exh. A, # <u>5</u> Exhibit Exh. B, # <u>6</u> Exhibit Exh. C, # <u>7</u> Exhibit Exh. D, # <u>8</u> Exhibit Exh. E, # <u>9</u> Exhibit Exh. F)(Wiegmann, Yakov) (Attachment 1 replaced on 3/6/2019) (zef,). (Entered: 03/06/2019)
03/06/2019	<u>2</u>	MOTION to Proceed Under Pseudonym <i>and for Protective Order</i> by A. B. (Attachments: # <u>1</u> Declaration Declaration of Eunice Lee)(Wiegmann, Yakov). Added MOTION for Protective Order on 3/25/2019 (znmw). (Entered: 03/06/2019)
03/06/2019	<u>3</u>	SEALED DOCUMENT filed by A. B. re <u>2</u> MOTION to Proceed Under Pseudonym <i>and for Protective Order</i> (This document is SEALED and only available to authorized persons.)(Wiegmann, Yakov) (Entered: 03/06/2019)
03/07/2019	<u>4</u>	ORDER GRANTING <u>2</u> Motion for Leave to Proceed Under Pseudonym. See Order for further details. Signed by Chief Judge Beryl A. Howell on 3/7/2019. (zmd) (Entered: 03/07/2019)
03/07/2019		Case Assigned to Judge Amit P. Mehta. (zef,) (Entered: 03/07/2019)
03/07/2019	<u>5</u>	SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 03/07/2019)
03/14/2019	<u>6</u>	MOTION Seal Exhibit E to Complaint re <u>1</u> Complaint, by A. B. (Attachments: # <u>1</u> Text of Proposed Order)(Wiegmann, Yakov) (Entered: 03/14/2019)

03/14/2019	<u>7</u>	ERRATA by A. B.. (Attachments: # <u>1</u> Exhibit Exh. E)(Wiegmann, Yakov) (Entered: 03/14/2019)
03/15/2019		MINUTE ORDER granting Plaintiff's Motion to Seal Exhibit E to the Complaint. The clerk of court shall seal Exhibit E to the Complaint, found at ECF No. 1–8. Signed by Judge Amit P. Mehta on 03/15/2019. (lcapm1) (Entered: 03/15/2019)
05/24/2019	<u>8</u>	VACATED PURSUANT TO <u>10</u> ORDER FILED 5/31/2019.....AFFIDAVIT FOR DEFAULT by A. B. (Wiegmann, Yakov) Modified on 5/31/2019 (zjd). (Entered: 05/24/2019)
05/30/2019	<u>9</u>	MOTION for Extension of Time to <i>Respond to Complaint and Vacate Affidavit in Support of Default</i> (ECF No. 8) by U.S. DEPARTMENT OF JUSTICE (Truong, John). Added MOTION to Vacate on 6/4/2019 (znmw). (Entered: 05/30/2019)
05/31/2019	<u>10</u>	ORDER granting <u>9</u> Defendant's Motion for an Extension to Respond to Plaintiff's Complaint and Vacate Affidavit in Support of Default. Defendant shall respond to Plaintiff's Complaint on or before July 1, 2019. Plaintiff's Affidavit in Support of Default, ECF No. 8, is hereby vacated. Signed by Judge Amit P. Mehta on 05/31/2019. (lcapm1) (Entered: 05/31/2019)
05/31/2019		Set/Reset Deadlines: Defendant's Responsive Pleading due by 7/1/2019. (zjd) (Entered: 05/31/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Amit P. Mehta is no longer assigned to the case. (rj) (Entered: 06/24/2019)
07/01/2019	<u>11</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Truong, John) (Entered: 07/01/2019)
07/22/2019	<u>12</u>	AMENDED COMPLAINT against U.S. DEPARTMENT OF JUSTICE filed by A. B.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Wiegmann, Yakov) (Entered: 07/22/2019)
08/01/2019	<u>13</u>	ANSWER to <u>12</u> Amended Complaint by U.S. DEPARTMENT OF JUSTICE.(Truong, John) (Entered: 08/01/2019)
08/14/2019		MINUTE ORDER. Before the Court in this Freedom of Information Act case are a Complaint and an Answer. The requirements of Local Civil Rule 16.3 and Federal Rule of Civil Procedure 26(f) appear to be inapplicable. It is hereby ORDERED that the Parties shall confer and file a Joint Status Report on or before September 16, 2019. The Joint Status Report shall address: (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under <i>Open America v. Watergate Special Prosecution Force</i> , 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Carl J. Nichols on August 14, 2019. (lccjn1) (Entered: 08/14/2019)
08/15/2019		Set/Reset Deadlines: Joint Status Report due by 9/16/2019. (mac) (Entered: 08/15/2019)
09/16/2019	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Truong, John) (Entered: 09/16/2019)
09/20/2019		MINUTE ORDER. In light of the Parties' <u>14</u> Joint Status Report, it is hereby ORDERED that the Parties shall submit an additional Joint Status Report on or before September 30, 2019. Signed by Judge Carl J. Nichols on September 20, 2019. (lccjn3) (Entered: 09/20/2019)
09/20/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 9/30/2019. (zcdw) (Entered: 09/22/2019)
09/30/2019	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Truong, John) (Entered: 09/30/2019)
10/23/2019		MINUTE ORDER. The Court has reviewed the Parties' <u>15</u> Joint Status Report and notes the Parties' disagreement regarding an appropriate schedule for OIP to search for and process records responsive to Plaintiff's request. It is hereby ORDERED that the

		Parties shall file an additional Joint Status Report on or before November 15, 2019. Thereafter, the Court may convene a conference to resolve any continuing areas of disagreement. Signed by Judge Carl J. Nichols on October 23, 2019. (lccjn3) Modified on 11/18/2019 (lcdf). (Entered: 10/23/2019)
10/23/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 11/15/2019. (zcdw) (Entered: 10/24/2019)
11/15/2019	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Gov. Exhibit I)(Truong, John) (Entered: 11/15/2019)
11/19/2019		MINUTE ORDER. In light of the Parties' <u>16</u> Joint Status Report, it is hereby ORDERED that on or before January 13, 2020, Defendant shall search for, process, and produce non-exempt documents that are related to former Attorney General Jeff Sessions and the three other identified custodians within the Office of the Attorney General assigned to immigration-related matters during the relevant time period. It is further ORDERED that the Parties shall submit an additional Joint Status Report on or before December 13, 2019. Signed by Judge Carl J. Nichols on November 19, 2019. (lccjn3) (Entered: 11/19/2019)
11/19/2019		Set/Reset Deadlines: Joint Status Report due by 12/13/2019. (mac) (Entered: 11/19/2019)
11/26/2019	<u>17</u>	STATUS REPORT by A. B.. (Wiegmann, Yakov) (Entered: 11/26/2019)
12/02/2019	<u>18</u>	RESPONSE to Plaintiff's Interim Status Report (ECF No. 17) filed by U.S. DEPARTMENT OF JUSTICE. (Truong, John) Modified to add link on 12/6/2019 (znmw). (Entered: 12/02/2019)
12/04/2019		Set/Reset Deadlines/Hearings: Telephone Conference set for 12/5/2019 at 11:00 AM before Judge Carl J. Nichols. (zcdw) (Entered: 12/04/2019)
12/09/2019	<u>19</u>	STATUS REPORT by A. B.. (Attachments: # <u>1</u> Exhibit Exh A)(Wiegmann, Yakov) (Entered: 12/09/2019)
12/13/2019	<u>20</u>	Consent MOTION for Extension of Time to <i>File Joint Status Report</i> by U.S. DEPARTMENT OF JUSTICE (Truong, John) (Entered: 12/13/2019)
12/16/2019	<u>21</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Truong, John) (Entered: 12/16/2019)
12/23/2019		MINUTE ORDER. In light of Plaintiff's <u>19</u> Status Report and the Parties' <u>21</u> Joint Status Report, is hereby ORDERED that the Parties shall submit an additional Joint Status Report on or before January 15, 2020. The Court notes the Parties' dispute about the excisions made under 5 U.S.C. § 552(b)(5) in Defendant's December 13, 2019 production. Signed by Judge Carl J. Nichols on December 23, 2019. (lccjn3) (Entered: 12/23/2019)
12/23/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/15/2020. (zcdw) (Entered: 12/24/2019)
01/15/2020	<u>22</u>	Joint STATUS REPORT by A. B.. (Wiegmann, Yakov) (Entered: 01/15/2020)
01/28/2020		MINUTE ORDER. In light of the Parties' <u>22</u> Joint Status Report, is hereby ORDERED that the Parties shall submit an additional Joint Status Report on or before January 31, 2020. Signed by Judge Carl J. Nichols on January 28, 2020. (lccjn3) (Entered: 01/28/2020)
01/28/2020		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/31/2020. (zcdw) (Entered: 01/30/2020)
01/31/2020	<u>23</u>	Joint STATUS REPORT by A. B.. (Wiegmann, Yakov) (Entered: 01/31/2020)
02/03/2020		MINUTE ORDER. In light of the Parties' <u>23</u> Joint Status Report, is hereby ORDERED that the Parties shall submit an additional Joint Status Report on or before February 21, 2020. Signed by Judge Carl J. Nichols on February 3, 2020. (lccjn3) (Entered: 02/03/2020)

02/03/2020		Set/Reset Deadlines/Hearings: Joint Status Report due by 2/21/2020. (zcdw) (Entered: 02/04/2020)
02/21/2020	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Truong, John) (Entered: 02/21/2020)
02/28/2020	<u>25</u>	Joint STATUS REPORT by A. B.. (Wiegmann, Yakov) (Entered: 02/28/2020)
03/11/2020		MINUTE ORDER. Upon review of the Parties' <u>25</u> Joint Status Report, it is hereby ORDERED that on or before March 31, 2020, Defendant shall file its Motion for Summary Judgment and submit its supporting <i>Vaughn</i> Index and Declaration; on or before April 15, 2020, Plaintiff shall file her Opposition and Cross-Motion for Summary Judgment; on or before May 1, 2020, Defendant shall file its Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiffs Cross-Motion for Summary Judgment; and on or before May 15, 2020, Plaintiff shall file her Reply in Support of her Cross-Motion for Summary Judgment. Signed by Judge Carl J. Nichols on March 11, 2020. (lccjn3) (Entered: 03/11/2020)
03/11/2020		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 3/31/2020. Response to Motion for Summary Judgment due by 4/15/2020. Reply to Motion for Summary Judgment due by 5/1/2020. Defendant's Vaughn Index due by 3/31/2020. Plaintiff's Cross Motion due by 4/15/2020. Response to Cross Motion due by 5/1/2020. Reply to Cross Motion due by 5/15/2020. (zcdw) (Entered: 03/11/2020)
03/30/2020	<u>26</u>	Consent MOTION to Modify <i>Scheduling Order</i> by U.S. DEPARTMENT OF JUSTICE (Truong, John) (Entered: 03/30/2020)
03/30/2020		MINUTE ORDER. Upon review of Defendant's <u>26</u> Consent Motion to Modify Scheduling Order, it is hereby ORDERED that the Motion is GRANTED and that the Court's March 11, 2020 Minute Order is MODIFIED: on or before April 14, 2020, Defendant shall file its Motion for Summary Judgment and submit its supporting <i>Vaughn</i> Index and Declaration; on or before April 29, 2020, Plaintiff shall file her Opposition and Cross-Motion for Summary Judgment; on or before May 15, 2020, Defendant shall file its Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiffs Cross-Motion for Summary Judgment; and on or before May 29, 2020, Plaintiff shall file her Reply in Support of her Cross-Motion for Summary Judgment. Signed by Judge Carl J. Nichols on March 30, 2020. (lccjn3) (Entered: 03/30/2020)
04/07/2020	<u>27</u>	MOTION to Modify <i>March 30, 2020 Scheduling Order</i> by U.S. DEPARTMENT OF JUSTICE (Truong, John) (Entered: 04/07/2020)
04/13/2020		MINUTE ORDER. Upon review of Defendant's <u>27</u> Motion to Modify Scheduling Order, it is hereby ORDERED that the Motion is GRANTED and that the Court's March 11, 2020 Minute Order is further MODIFIED: on or before May 14, 2020, Defendant shall file its Motion for Summary Judgment and submit its supporting <i>Vaughn</i> Index and Declaration; on or before May 29, 2020, Plaintiff shall file her Opposition and Cross-Motion for Summary Judgment; on or before June 15, 2020, Defendant shall file its Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment; and on or before June 29, 2020, Plaintiff shall file her Reply in Support of her Cross-Motion for Summary Judgment. Signed by Judge Carl J. Nichols on April 13, 2020. (lccjn3) (Entered: 04/13/2020)
04/13/2020		Set/Reset Deadlines/Hearings: Defendant's Summary Judgment motion due by 5/14/2020. Response to Motion for Summary Judgment due by 5/29/2020. Reply to Motion for Summary Judgment due by 6/15/2020. Plaintiff's Cross Motion due by 5/29/2020. Response to Cross Motion due by 6/15/2020. Reply to Cross Motion due by 6/29/2020. (zcdw) (Entered: 04/14/2020)
05/14/2020	<u>28</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration of Vanessa Brinkmann, # <u>4</u> Exhibit A to K, # <u>5</u> Exhibit Exhibit L (<i>Vaughn</i> Index), # <u>6</u> Exhibit Exhibit M (<i>Disputed Exemptions</i>))(Truong, John) (Entered: 05/14/2020)
05/28/2020	<u>29</u>	MOTION to Modify <i>April 13, 2020 Minute Order</i> by A. B. (Wiegmann, Yakov) (Entered: 05/28/2020)

05/29/2020		MINUTE ORDER. Upon review of Plaintiff's <u>29</u> Motion to Modify Scheduling Order, and considering that it is unopposed, it is hereby ORDERED that the Motion is GRANTED and that: on or before June 5, 2020, Plaintiff shall file her Opposition and Cross-Motion for Summary Judgment; on or before June 22, 2020, Defendant shall file its Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment; and on or before July 6, 2020, Plaintiff shall file her Reply in Support of her Cross-Motion for Summary Judgment. Signed by Judge Carl J. Nichols on May 29, 2020. (lccjn3) (Entered: 05/29/2020)
05/29/2020		Set/Reset Deadlines/Hearings: Response to Motion for Summary Judgment due by 6/5/2020. Reply to Motion for Summary Judgment due by 6/22/2020. Cross Motion due by 6/5/2020. Response to Cross Motion due by 6/22/2020. Reply to Cross Motion due by 7/6/2020. (zcdw) (Entered: 06/01/2020)
06/05/2020	<u>30</u>	Memorandum in opposition to re <u>28</u> MOTION for Summary Judgment <i>and Cross-Motion for Summary Judgment</i> filed by A. B.. (Attachments: # <u>1</u> Declaration of Yakov P. Wiegmann, # <u>2</u> Exhibit A to the Declaration of Yakov P. Wiegmann, # <u>3</u> Text of Proposed Order)(Wiegmann, Yakov) (Entered: 06/05/2020)
06/05/2020	31	Cross MOTION for Summary Judgment by A. B. (View Docket Entry <u>30</u> to view document). (eg) (Entered: 06/08/2020)
06/08/2020	<u>32</u>	MOTION to Seal Document <i>Seal Exhibit A to Plaintiff's Opposition to Defendant's Motion for Summary Judgment and Cross-Motion for Summary Judgment</i> by A. B. (Attachments: # <u>1</u> Text of Proposed Order)(Wiegmann, Yakov) Modified event on 6/10/2020 (znmw). (Entered: 06/08/2020)
06/18/2020	<u>33</u>	Unopposed MOTION to Modify <i>May 29, 2020 Scheduling Order</i> by U.S. DEPARTMENT OF JUSTICE (Truong, John) (Entered: 06/18/2020)
06/20/2020		MINUTE ORDER. Upon review of Plaintiff's <u>32</u> Motion to Seal [30-2] Exhibit A to Plaintiff's Opposition to Defendant's Motion for Summary Judgment and Cross-Motion for Summary Judgment, it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Plaintiff shall file a publicly available redacted version of Exhibit A. Signed by Judge Carl J. Nichols on June 20, 2020. (lccjn3) (Entered: 06/20/2020)
06/22/2020		MINUTE ORDER. Upon review of Defendant's <u>33</u> Unopposed Motion to Modify Scheduling Order, it is hereby ORDERED that the Motion is GRANTED and that: on or before June 29, 2020, Defendant shall file its Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiffs Cross-Motion for Summary Judgment; and on or before July 13, 2020, Plaintiff shall file her Reply in Support of Her Cross-Motion for Summary Judgment. Signed by Judge Carl J. Nichols on June 22, 2020. (lccjn3) (Entered: 06/22/2020)
06/22/2020	<u>34</u>	REDACTED DOCUMENT- Redacted Exhibit A to <u>30</u> Memorandum in Opposition, <i>to Defendant's Motion for Summary Judgment and Cross-Motion for Summary Judgment</i> by A. B.. (Wiegmann, Yakov) (Entered: 06/22/2020)
06/22/2020		Set/Reset Deadlines: Response to Cross Motion due by 6/29/2020. Reply to Cross Motions due by 7/13/2020. Reply to Motion for Summary Judgment due by 6/29/2020. (zcal) (Entered: 06/23/2020)
06/29/2020	<u>35</u>	Consent MOTION for Extension of Time to <i>Respond to Plaintiff's Filings (ECF No. 30)</i> by U.S. DEPARTMENT OF JUSTICE (Truong, John) (Entered: 06/29/2020)
06/30/2020	<u>36</u>	REPLY to opposition to motion re <u>28</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Second Vanessa Brinkmann Declaration and Exhibits)(Truong, John) (Entered: 06/30/2020)
06/30/2020	<u>37</u>	Memorandum in opposition to re 31 MOTION for Summary Judgment (<i>See ECF No. 36 for Declaration and Exhibits</i>) filed by U.S. DEPARTMENT OF JUSTICE. (Truong, John) (Entered: 06/30/2020)
07/03/2020		MINUTE ORDER. Upon review of Defendant's <u>35</u> Consent Motion for a One-Day Extension of Time, it is hereby ORDERED that the Motion is GRANTED and that Defendant's Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiffs Cross-Motion for Summary Judgment is deemed timely filed. Signed by

